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**OFFICE OF PETITIONS**

In re Application of  
Manole, et al.  
Application No. 10/707,272  
Filed: December 2, 2003  
Attorney Docket No. 2003-056

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed April 13, 2005, which has been treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-final Office action mailed August 5, 2004. Accordingly, this application became abandoned on November 6, 2004. A Notice of Abandonment was mailed on March 30, 2005.

Petitioner asserts that a proper response was timely filed in response to the Office action in the form of an amendment and a terminal disclaimer on August 23, 2004 by facsimile. In support, petitioner has submitted a copy of the originally filed amendment and terminal disclaimer. The amendment and terminal disclaimer are accompanied by a executed Certificate of Facsimile Transmission under 37 CFR 1.8 dated August 23, 2004. Additionally, petitioner has submitted a copy of the "Auto-Reply Facsimile Transmission," that indicates the complete August 23, 2004 submission was received by the Office on that date at 5:20 PM EST.

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

A petition fee has not been charged.

The file is being forwarded to Technology Center 3600 for further examination *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions/Patent  
United States Patent and Trademark Office